THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.18969 of 1999

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Dated: December 14, 2005

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Between:

M. Ranga Reddy, S/o. (late) M. Papi Reddy,

aged about 48 years,

Physical Education Teacher in Singareni

Colleries Co. Ltd.,

R/o. Kothagudem, Khammam District

Pin - 507 101.

… Petitioner

And

The Chairman-cum-Managing Director,

M/s. Singareni Collieries Co.Ltd.,

Red Hills, Hyderabad, and three others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus declaring the action of Respondent No.2 in appointing Respondent No.4 as Sports Officer Executive Category on temporary basis, as illegal, void *ab initio* and for a direction to Respondent No.2 to conduct written test/interview for the eligible candidates who have applied in response to circular No.41/4280/98/392 dated 18-03-1998 issued by Respondent No.2 for recruitment of Sports Officer (Executive Gr.I) Category.

2. Petitioner, a Physical Education Teacher in the respondent, Singareni Collieries Limited submits that Respondent No.2 had issued a notification dated 18-03-1998 for recruitment of Sports Officer in E1 Grade, for which, the qualification prescribed is a pass in SSC/SSLC, besides proficiency in sports and games and participation in state/national events. It is the case of the petitioner that he along with Respondent No.3, and several other applicants applied to the said post. The main grievance of the petitioner is that Respondent No.2, who has not even completed X Class, ought to have been dis-qualified by Respondent No.2, but on the contrary, Respondent No.4 has appointed Respondent No.2 as Sports Officer on temporary basis initially for a period of 6 months and the said term has also been extended by another 3 months. Petitioner alleges that the said action of Respondent No.4 is in contravention of the qualifications prescribed in the recruitment notification. Hence, the present writ petition has been filed.

3. Learned counsel for the petitioner contends that Respondent No.2 ought not to have been appointed Respondent No.4 in contravention of the qualifications prescribed in the recruitment notification and the same cannot be sustained in law.

4. Respondents filed counter affidavit denying the allegations and contended that petitioner, who is not an in-service employee, has no *locus standi* to ask the respondent-company to fill up the post in pursuance of the circular. It has been made clear in the appointment order issued to the petitioner that he being a Physical Education Teacher, like all other teaching and non-teaching members of company schools, are governed by the Andhra Pradesh Education Rules, whereas the NCWA employees working in Mines and departments of the Company are governed by the Company's Standing Orders as certified under Industrial Employment (Standing Orders) Act, 1946. Moreover, the allegation of the petitioner that Respondent No.4 does not have the prescribed qualification, namely, X Class, is totally untrue, and Respondent No.4 had passed Intermediate.

5. Learned counsel for the respondents submits that pursuant to the direction of this Court dated 08-11-1999 that Respondent No.4 should not be extended any temporary appointment, on the very same day, before the receipt of the orders of this Court, an office order dated
08-11-1999 was issued stating that Respondent No.4 has been asked to officiate until further orders with effect from 22-10-1999. The said order was vacated by an order dated 09-12-1999. In fact, no temporary appointment as alleged by the petitioner was given and it is only a mere officiating arrangement, which will not confer any additional benefit to Respondent No.4. He, thus, prayed to dismiss the

writ petition.

6. The petitioner is a Physical Education Teacher. As per the Standing Orders of the respondent-company, the petitioner, like all other teaching and non-teaching members of the company schools, who are governed by the Andhra Pradesh Education Rules, is not entitled to apply for the said post, and only NCWA employees, working in Mines and Departments of the Company, who are governed by the Company's Standing Orders as certified under the Industrial Employment (Standing Orders) Act, 1946, are eligible to apply for the post advertised. In fact, learned counsel for the petitioner did not dispute the said fact.

7. Since the petitioner, who is governed by the Andhra Pradesh Education Rules, is not entitled to apply for the said post and only the NCWA employees working in Mines and Departments of the Company, who are governed by the Company's Standing Orders, are eligible to apply for the post advertised, the petitioner cannot question the action of the respondents in appointing Respondent No.4 as Sports Officer, who is eligible to the said post.

8. Hence, the writ petition is devoid of merit and is accordingly dismissed. No costs.

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N.V. RAMANA, J.

December 14, 2005

MRR